

out. That did not happen on this bill. So we are trying to get some clarification done.

I appreciate that the Senator from Maryland put some things in the RECORD that show legislative intent. I prefer to have it in the bill. That is why my amendment is in here. It is an attempt to remove some of the legal uncertainty this bill will create. It will clarify who is able to sue under title VII.

Under my amendment, only the person who has experienced discrimination can bring a lawsuit. Without my amendment the door is left open to any affected individual. This is an undefined term in the statute.

Senator MIKULSKI and I have had some back and forth about what the language means. The truth is, without my amendment the courts will be able to define the term any way they want to. If you want to ensure that only the person affected has standing to sue, then support my amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, the Enzi amendment is unnecessary. The "affected by" language is not vague. Our bill only applies to workers and their employers.

Other parts of title VII that our bill does not change make this clear. The "affected" language is patterned after the Civil Rights Act of 1991. It has been around for 17 years and no one has tried to interpret it to apply to grandparents, spouses, or children, or anyone else other than the worker.

I understand the Enzi amendment No. 28 is now pending. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 41, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—55

Akaka	Feingold	Menendez
Baucus	Feinstein	Merkley
Bayh	Hagan	Mikulski
Begich	Harkin	Murray
Bingaman	Inouye	Nelson (FL)
Boxer	Johnson	Nelson (NE)
Brown	Kaufman	Pryor
Burr	Kerry	Reed
Byrd	Klobuchar	Reid
Cantwell	Kohl	Rockefeller
Cardin	Landrieu	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Shaheen
Conrad	Levin	Snowe
Dodd	Lieberman	Stabenow
Dorgan	Lincoln	
Durbin	McCaskill	

Tester  
Udall (CO)

Udall (NM)  
Warner

Whitehouse  
Wyden

NAYS—41

Alexander  
Barrasso  
Bennett  
Bond  
Brownback  
Bunning  
Burr  
Chambliss  
Coburn  
Cochran  
Collins  
Corker  
Cornyn  
Crapo

DeMint  
Ensign  
Enzi  
Graham  
Grassley  
Gregg  
Hatch  
Hutchison  
Inhofe  
Isakson  
Johanns  
Kyl  
Lugar  
Martinez

McCain  
McConnell  
Murkowski  
Risch  
Roberts  
Sessions  
Shelby  
Specter  
Thune  
Vitter  
Voinovich  
Webb  
Wicker

NOT VOTING—1

Kennedy

The motion was agreed to.

AMENDMENT NO. 29

The PRESIDING OFFICER. The question is on amendment No. 29.

Ms. MIKULSKI. Mr. President, I understand amendment 29 is now the pending business. I thank Senator ENZI for allowing us to dispose of his amendment through a voice vote. I move to table the Enzi amendment No. 29.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the motion to table amendment No. 29.

The motion was agreed to.

Ms. MIKULSKI. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

#### CERTIFICATE OF APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate the certificate of appointment to fill the vacancy created by the resignation of former Senator Ken Salazar of Colorado. The certificate, the Chair is advised, is in the form suggested by the Senate.

Since there is no objection, the reading of the certificate will be waived and will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF COLORADO

CERTIFICATE OF APPOINTMENT

*To the President of the Senate of the United States:*

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Colorado, I, Bill Ritter, Jr., the governor of said State, do hereby appoint Michael F. Bennet a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the resignation of Ken Salazar, is filled by election as provided by law.

Witness: His Excellency our Governor Bill Ritter, Jr., and our seal hereto affixed at Denver, Colorado this 21st day of January, in the year of our Lord 2009.

By the Governor:

BILL RITTER, Jr.,

Governor.

BERNIE BUESCHER,  
Secretary of State.

[State Seal Affixed]

#### ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-designate will now present himself at the desk, the Chair will administer the oath of office.

Mr. BENNET, escorted by Mr. Salazar and Mr. UDALL of Colorado, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

(Applause, Members standing.)

#### APPOINTMENT

The PRESIDING OFFICER (Ms. KLOBUCHAR). Pursuant to the provisions of section 201(a)(2) of the Congressional Budget Act of 1974, the Speaker of the House of Representatives and the President Pro Tempore of the Senate hereby appoint Dr. Douglas W. Elmendorf as Director of the Congressional Budget Office effective immediately for the remainder of the term expiring January 3, 2011.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LILLY LEDBETTER FAIR PAY ACT OF 2009—Continued

Ms. MIKULSKI. Madam President, I ask unanimous consent that Senator REED of Rhode Island be recognized for up to 5 minutes to speak on the bill; that following his remarks, the Senate resume consideration of the Isakson amendment No. 37, with up to 10 minutes equally divided between Senator ISAKSON and myself, or our designees; that upon the use or yielding back of time on the Isakson amendment, the Senate resume consideration of the DeMint amendment No. 31, with 20 minutes of debate, 10 minutes under the control of Senator DEMINT or his designee, 5 minutes each under the control of Senator MIKULSKI, me, and Senator ALEXANDER or our designees; that following the use or yielding back of time on the DeMint amendment, the Senate proceed to vote in relation to the following amendments: DeMint No. 31, and Isakson No. 37; further, that no amendments be in order to the pending DeMint or Isakson amendments prior to the votes; and that there be 2 minutes of debate equally divided between the votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, I will yield the floor to Senator REED. I